

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

|                                         |   |                               |
|-----------------------------------------|---|-------------------------------|
| <b>Comcast of Massachusetts I, Inc.</b> | ) | <b>Case No.: 04-10473 PBS</b> |
|                                         | ) |                               |
|                                         | ) | <b>AFFIDAVIT OF JOHN M.</b>   |
| <b>Plaintiff,</b>                       | ) | <b>MCLAUGHLIN, ESQ.</b>       |
|                                         | ) |                               |
| <b>vs.</b>                              | ) |                               |
|                                         | ) |                               |
| <b>Peter Sbano</b>                      | ) |                               |
|                                         | ) |                               |
| <b>Defendant</b>                        | ) |                               |

Now comes the affiant, and makes this his sworn statement, under the pains and penalties of perjury, of his own personal knowledge.

**GENERAL FACTUAL ASSERTIONS**

1. I, John M. McLaughlin, represent the Plaintiff in the above-entitled action.
2. I am a member of the Law Firm of MCLAUGHLIN SACKS, LLC.
3. I have used paralegals from the firm to assist me in this case.

**FACTUAL ASSERTIONS AS TO ATTORNEY'S FEES**

4. My usual hourly rate is \$200.00 per hour. The usual hourly rate of the paralegals in our firm is \$90.00 per hour. These rates are more than reasonable for telecommunication civil litigation specialists.
5. I am a member of the Federal Communications Bar Association and I have been heavily involved in telecommunications litigation since the early 1990's. I have represented Comcast, ATTB and numerous MediaOne and/or Continental Cablevision corporate entities in hundreds of cases.
6. The time records have been edited to remove confidential communications with the client. The Plaintiff reserves the right to amend its claim for attorney's fees

and costs should Plaintiff's Counsel have to attend a Default Hearing in Boston and Plaintiff may also bear certain costs with reference to said hearing. The details of the time records to-date are set forth below. Also, I have already reduced the billable time from the actual time spent on reviewing and sorting my time records to take into account the first circuit case of *Brewster v. Dukakis*, 3 Fed.3d 488, (1<sup>st</sup> Cir. 1993) which provides that attorney's fees for work on affidavit for fees should be billed at a reduced rate.

**ATTORNEY'S HOURS:**

|                          |                           |                 |
|--------------------------|---------------------------|-----------------|
| 3/8/04                   | Review Draft of Complaint | .30             |
| 4/27/04                  | Review Entry for Default  | .20             |
| 6/2/04                   | Review Motion for Default | .50             |
| <b>SUBTOTAL of hours</b> |                           | 1.00            |
| At \$200.00 per hour     |                           |                 |
| <b>SUBTOTAL amounts</b>  |                           | <b>\$200.00</b> |

**PARALEGAL'S HOURS:**

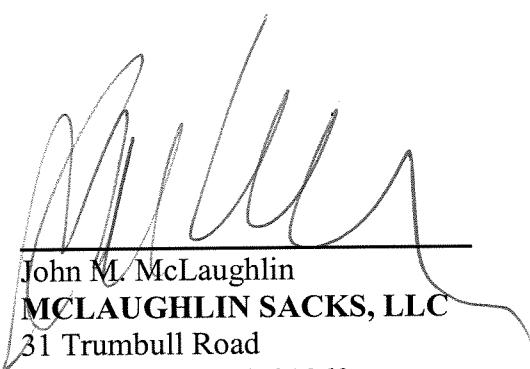
|                          |                          |                 |
|--------------------------|--------------------------|-----------------|
| 3/8/04                   | Draft Complaint          | .70             |
| 4/27/04                  | Draft Entry for Default  | .60             |
| 6/2/04                   | Draft Motion for Default | .80             |
| <b>SUBTOTAL of hours</b> |                          | 2.1             |
| At \$90.00 per hour      |                          |                 |
| <b>SUBTOTAL amount</b>   |                          | <b>\$189.00</b> |
| <b>Total Amount</b>      |                          | <b>\$389.00</b> |

7. No attorney's fees have been paid by the Plaintiff in the case at bar because the case is covered by a contingency fee agreement and there has not been and may never be any actual recovery.

#### **OTHER FACTUAL ASSERTIONS**

8. The Default of the Defendant has been entered for failure to appear in this action.
9. The undersigned believes the Court can assess statutory damages in this matter without testimony. Yet, if the court believes testimony is necessary or even helpful, the Plaintiff will fully cooperate and provide fact witnesses and/or expert witnesses if required.
10. On information and belief, the Defendant is not an infant or an incompetent and the Defendant is not in the military service

Subscribed and sworn to, under the pains and penalties of perjury, this \_\_\_\_ day of  
6/3, 2004.

  
John M. McLaughlin  
**MCLAUGHLIN SACKS, LLC**  
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Northampton, MA 01060  
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BBO No. 556328